

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TROY SMITH,

Defendant.

4:12CR3048

ORDER

The defendant has failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6) that defendant will appear at court proceedings and will not pose a danger to the safety of any person or the community if released. The Court's findings are based on the evidence presented in court and contained in the court's records, including the allegations within the Amended Petition which reflect recurrent criminal charges while on supervision.

IT IS ORDERED:

- 1) The defendant is committed to the custody of the Attorney General for confinement in a corrections facility; the defendant shall be afforded reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver the defendant to a United States Marshal for appearance in connection with a court proceeding.
- 2) The defendant's preliminary hearing is scheduled for March 5, 2019 at 2:00 p.m. before the Honorable Cheryl R. Zwart, in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

- 3) The Amended Petition (Filing No. [128]), supersedes the Initial Petition (Filing No. [119]). The Initial Petition (Filing No. [119]), is therefore terminated.

February 25, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge